



PATENT APPLICATION No. 10/066,392
DOCKET NO. T9355.NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marietta V. Sperry
SERIAL NO.: 10/066,392
FILED: 1/30/02
FOR: EXPANDABLE
SCRAPBOOKING ORGANIZER
ART UNIT: 3722
EXAMINER: HENDERSON, M.T.
DOCKET: T9355.NP

RECEIVED
OCT 18 2004
TECHNOLOGY CENTER R3700

DECLARATION OF
LA RITA GODFREY

Commissioner for Patents
Box No Fee
Washington, D.C. 20231

Sir:

I, La Rita Godfrey, residing at 8015 Cranberry Circle, Sandy, Utah 84093, being duly sworn say and declare as follows:

1. I have been involved in the scrapbooking industry for many years. In Sept. of 2000, while I was working as a scrapbooking vendor, I attended a scrapbook convention in Mesa, Arizona as a representative for D.J. Inkers, a scrapbooking company based in the State of Utah.

2. At that show I first saw the "Scrap-N-file" scrapbooking organizer invented by Marietta Sperry. The organizer was made from archival poly, was about 13" x 13", and accordingly could accommodate standard 12" x 12" scrapbooking paper. The material from which it was constructed allowed the contents of the organizer to be better perceived; in that when the organizer was closed some of the contents could

be seen through the walls of the organizer, and when the organizer was open the contents of the various pockets of the expanding file portion of the organizer could be better seen because of the translucent/transparent nature of the archival poly material from which the organizer was made.

3. Prior to Ms. Sperry's introduction of her organizer, nothing like it existed in the market, and persons concerned with scrapbooking and organizing their materials used organizers made from cardboard and other opaque material including boxes and other containers made for other purposes. This is because up until that time no archival poly organizer accommodating 12" x 12" paper existed, even though 12"x 12" scrapbooking paper had existed for several years, and was a standard paper size used by scrapbookers. Accordingly, there was a long-felt need in the scrapbooking industry for an invention like that of Ms. Sperry's organizer.

4. From my observation, within a very short time after the introduction of Ms. Sperry's organizer, other manufacturers, which had made scrapbooking organizing products for many years, immediately began marketing similar products which embodied the same ideas as Ms. Sperry's organizer, specifically an organizer adapted to accommodate 12" x 12" scrapbooking paper made out of archival poly material. Moreover, features of Ms. Sperry's organizer including additional smaller pockets for die cut materials, computer disks, and the like, also appeared in subsequent products made by other manufacturers.

5. From my observation, Ms. Sperry was the first person to create and bring into the scrapbooking art, an organizer of archival poly material, having translucent sidewalls and adapted to accommodate 12" x 12" scrapbooking paper. This was so even though standard 12" x 12" paper had been used by scrapbookers for several years, and scrapbookers were improvising with other organization means to accommodate the non/standard (not leather, legal, or other standard size paper) paper

size favored by scrapbookers and used extensively, and by some exclusively, in scrapbooking.

6. From my observation, there was a long-felt need for organizers specifically adapted for scrapbooking, and able to accommodate scrapbooking paper sizes favored by scrapbookers. Ms. Sperry's invention of the organizer was the first to be introduced, and it was quickly copied by others in the industry, specifically the larger/volume manufactures of scrapbooking products.

7. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 8th day of July, 2004.

Respectfully submitted,


La Rita Godfrey

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DECLARATION OF
YUKO NEAL

Commissioner for Patents
Box No Fee
Washington, D.C. 20231

Sir:

I, Yuko Neal, residing at 9522 Netherway Drive, Huntington Beach, California 92646,
being duly sworn say and declare as follows:

1. I have been involved in the scrapbooking industry for many years.

Approximately eight years ago, I started a scrapbooking club, of which I am the president. My club is known as The American Honda Activities League Scrapbooking Club. This club has approximately 40 members and is sponsored and subsidized by American Honda Motor Co., Inc. and membership dues.

2. I have been teaching scrapbooking classes since at least as early as 1996.

From the year 1997 through the year 2004, I taught at least 200 scrapbooking classes. I currently teach scrapbooking classes several times per year for *Memory Makers* on scrapboking cruises, *Mrs. Grossman's Paper Company*, scrapbooking weekend retreats, trade shows, scrapbook conventions and expos. I have been on the Advisory Council for

Camp Memory Makers the last two years. I am serving on the design team of *SRM Press, Inc.* Additionally, I work as a freelance consultant for scrapbooking stores and major corporations who are interested in starting scrapbooking clubs throughout the United States. My work in scrapbooking has been published in a variety of industry idea books and in *Memory Makers* and *Creating Keepsakes* magazines, both of which are leading publications in the scrapbooking industry.

3. The first time I saw the "Scrap-N-File" scrapbooking organizer invented by Marietta Sperry was in Anaheim, California at the 2001 Hobby Industry Association ("HIA") tradeshow, the world's largest craft and hobby tradeshow. The organizer was made from archival poly, was about 13" x 13", and accordingly could accommodate standard 12" x 12" scrapbooking paper. The material from which it was constructed allowed the contents of the organizer to be better perceived; in that when the organizer was closed some of the contents could be seen through the walls of the organizer, and when the organizer was open the contents of the various pockets of the expanding file portion of the organizer could be better seen because of the translucent/transparent nature of the archival poly material from which the organizer was made.

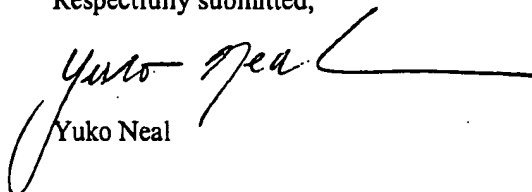
4. Prior to Ms. Sperry's introduction of her organizer, I do not recall anything like it in the market, and persons concerned with scrapbooking and organizing their materials used organizers made from cardboard, cardstock, and other opaque materials including use of boxes and other containers made for other purposes. This is because up until that time I do not recall there being any accordion-style, archival poly organizer accommodating 12" x 12" paper even though 12"x 12" scrapbooking paper had existed for several years, and was a standard paper size used by scrapbookers. Accordingly, there was a long-felt need for organizers specifically adapted for scrapbooking, and able to accommodate scrapbooking paper sizes favored by scrapbookers, which Ms. Sperry's invention filled.

5. Ms. Sperry's scrapbooking organizer of archival poly material, having translucent side walls and adapted to accommodate 12" x 12" scrapbooking paper, was the first of it's kind of which I was aware. Soonafter, I noticed other similar products on the market. From my observation, within a very short time after the introduction of Ms. Sperry's organizer, other manufacturers began marketing similar products that embodied the same ideas as Ms. Sperry's organizer, specifically an organizer adapted to accommodate 12" x 12" scrapbooking paper made out of archival poly material.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 3rd day of August, 2004.

Respectfully submitted,


Yuko Neal

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**DECLARATION OF
JANE M. STAVER**

Commissioner for Patents
Box No Fee
Washington, D.C. 20231

Sir:

I, Jane M. Staver, residing at 1 Summit Drive, Palmyra, Pennsylvania 17078, being duly sworn say and declare as follows:

1. I have been involved in the scrapbooking industry for many years.

I started scrapbooking as a hobby in the spring of 2000. Since then, I have been an avid consumer of scrapbooking products.

2. The first time I saw the "Scrap-N-File" scrapbooking organizer invented by Marietta Sperry was on the Scrapals website in the summer of 2000. During this time, there was a contest wherein individuals were given an opportunity to suggest a name for Marietta Sperry's expandable scrapbooking organizer. The organizer was made from archival poly, was about 13" x 13", and accordingly could accommodate standard 12" x 12" scrapbooking paper. The material from which it was constructed allowed the contents of the organizer to be better perceived; in that when the organizer was closed

some of the contents could be seen through the walls of the organizer, and when the organizer was open the contents of the various pockets of the expanding file portion of the organizer could be better seen because of the translucent/transparent nature of the archival poly material from which the organizer was made.

4. Prior to Ms. Sperry's introduction of her organizer, nothing like it existed in the market, and persons concerned with scrapbooking and organizing their materials used organizers made from cardboard, cardstock, and other opaque materials including use of boxes and other containers made for other purposes. This is because up until that time no archival poly organizer accommodating 12" x 12" paper existed even though 12"x 12" scrapbooking paper had existed for several years, and was a standard paper size used by scrapbookers. Accordingly, there was a long-felt need for organizers specifically adapted for scrapbooking, and able to accommodate scrapbooking paper sizes favored by scrapbookers, which Ms. Sperry's invention filled.

5. Ms. Sperry's scrapbooking organizer of archival poly material, having translucent side walls and adapted to accommodate 12" x 12" scrapbooking paper, was the first of its kind of which I was aware. Soon after, I noticed other similar products on the market. From my observation, within a very short time after the introduction of Ms. Sperry's organizer, other manufacturers began marketing similar products that embodied the same ideas as Ms. Sperry's organizer, specifically an organizer adapted to accommodate 12" x 12" scrapbooking paper made out of archival poly material.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 31 day of August, 2004.

Respectfully submitted,


Jane M. Staver

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